

BEFORE THE  
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:

CHARLES BILLS

V

AQUA ILLINOIS, INC.

Complaint as to large charges for water & sewer usage on property, when the dates of large usage, the property was vacant in Popular Grove, Illinois.

No. 16-0207

Chicago, Illinois  
May 9, 2016

Met pursuant to notice at 10:00 a.m.

BEFORE :

MR. JOHN RILEY, Administrative Law Judge.

APPEARANCES:

MR. CHARLES BILLS  
1309 West Highland Avenue  
Elgin, Illinois 60123  
appeared pro se,  
telephonically;

1 APPEARANCES: (Cont'd.)

2

3 SPESIA & AYERS, by  
4 MR. CHRISTIAN G. SPESIA  
5 1415 Black Road  
6 Joliet, Illinois 60435  
7 appeared for Respondent,  
8 telephonically.

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19 SULLIVAN REPORTING COMPANY, by  
20 Teresann B. Giorgi, CSR  
21 084-000977

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1                                   I N D E X

2                                   Re-       Re-       By

3   Witnesses:                   Dir.   Crx.   dir.   crx.   Examiner

4   NONE

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8                                   E X H I B I T S

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10   APPLICANT'S               FOR IDENTIFICATION       IN EVIDENCE

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1 JUDGE RILEY: Pursuant to the direction of  
2 the Illinois Commerce Commission, I call  
3 Docket 16-0207.

4 This is a complaint by Charles Bills  
5 versus Aqua Illinois, Inc., as to large charges for  
6 water & sewer usage on property when the dates of  
7 large usage the property was vacant in Popular  
8 Grove, Illinois.

9 And, Mr. Bills, you're still appearing  
10 without counsel, is that correct?

11 MR. BILLS: Yes.

12 JUDGE RILEY: And, Mr. Spesia, you are  
13 participating on behalf of Aqua.

14 MR. SPESIA: Yes, that's right, Judge.

15 JUDGE RILEY: And could you state your name and  
16 your office address for the record, please.

17 MR. SPESIA: Sure.

18 Chris Spesia, S-p-e-s-i-a, 1415 Black  
19 Road, Joliet, Illinois 60435

20 JUDGE RILEY: All right. Thank you.

21 And, Mr. Spesia, when we recessed on  
22 April 25th you were going to speak to the company to

1 get their position.

2 Can you advise us to where the company  
3 stands?

4 MR. SPESIA: Yes.

5 The company did follow up with  
6 Mr. Bills just this morning. There was an offer  
7 made for a leakage estimate in the amount of  
8 \$305. And it is my understanding that Mr. Bills has  
9 rejected that offer.

10 So, at this point, the company is in  
11 the position of contesting Mr. Bills' complaint.

12 JUDGE RILEY: Mr. Bills, is that correct?

13 MR. BILLS: Yes, sir -- Judge.

14 MR. SPESIA: Judge, one thing I want to point  
15 out. Mr. Bills is not the accountholder. The  
16 account was never in his name, it was in the name of  
17 a Sharon Grimes.

18 JUDGE RILEY: Mr. Bills, do you have any  
19 relationship with Sharon Grimes?

20 MR. BILLS: Sharon Grimes is my daughter and we  
21 are both owners of this property. She is part owner  
22 of the property and I'm also part owner and I'm her

1 dad.

2 MR. SPESIA: But Sharon Grimes is the name on  
3 the account.

4 MR. BILLS: Her name is on the account and Aqua  
5 has been given the authorization from me to held  
6 (sic) this account.

7 JUDGE RILEY: Your daughter has given you the  
8 authorization?

9 MR. BILLS: She told Aqua that all the  
10 correspondence and communications on this account  
11 should be held through me.

12 JUDGE RILEY: Mr. Spesia, are you aware of that?

13 MR. SPESIA: Judge, I know that on certain  
14 occasions she has gotten on phone calls and directed  
15 that certain things happen with the account.

16 JUDGE RILEY: Has Aqua received anything in  
17 writing where she has delegated authority to her  
18 father?

19 MR. SPESIA: I'm not aware of that.

20 A VOICE: No.

21 MR. SPESIA: I think that answer is "no" then  
22 from the client, Judge.

1 JUDGE RILEY: Is that correct, Mr. Bills, that  
2 you have submitted nothing in writing to Aqua?

3 MR. BILLS: They never requested anything in  
4 writing. They've always -- when she's called them  
5 and she said, I'm giving you guys notice that my  
6 father is the property owner also and that he is  
7 held (sic) on this account, because she's in  
8 Georgia, she moved to Georgia. And she told them  
9 that I was going to be held (sic) on the account.  
10 They've known this since November. There's no  
11 question on then dealing with the account because  
12 they know that.

13 MR. SPESIA: Well, I think the question is,  
14 Judge, now proceeding if we're going to go to the  
15 next step in this formal complaint.

16 JUDGE RILEY: Well, I understand that, but if  
17 Mr. Bills is not the accountholder, I'm going to  
18 check and find out whether or not he would have the  
19 standing --

20 MR. SPESIA: Right.

21 JUDGE RILEY: -- to pursue this.

22 MR. SPESIA: He's not an attorney

1 representative, I assume.

2 JUDGE RILEY: Mr. Bills, have you ever been  
3 given any kind of power of attorney from your  
4 daughter, anything in writing?

5 MR. BILLS: No. There's nobody asked -- you  
6 know what, I don't understand why all of a sudden  
7 this has got to be. If we need to go to a different  
8 phase, we'll go the other phrase and I'll hire an  
9 attorney.

10 JUDGE RILEY: I'm not sure what you said.

11 If we need to go to a different  
12 where?

13 MR. BILLS: Whatever we need to do -- I mean, it  
14 just doesn't make any sense because they were  
15 supposed to call me last week -- when I was at your  
16 office they were supposed -- you gave them 14 days  
17 to contact me. I get a contact today, the first  
18 time I ever got contact from anybody. That's not  
19 professionally and that's not what you requested.

20 MR. SPESIA: Well, it's also not true, Judge, it  
21 was last Friday.

22 JUDGE RILEY: Look, everybody's voice is fading



1 out here.

2 Go ahead, Mr. Spesia.

3 MR. SPESIA: I said that's not true. Last  
4 Friday he was contacted by a representative of  
5 Aqua.

6 JUDGE RILEY: Can the parties hear me?

7 MR. BILLS: Yes, I can hear you fine.

8 MR. SPESIA: I can hear you, Judge.

9 JUDGE RILEY: I can barely hear either one of  
10 you right now.

11 Are you on cell phones?

12 MR. SPESIA: I'm not, Judge.

13 MR. BILLS: No.

14 JUDGE RILEY: Your voices are fading in and out.  
15 The only thing I can think of doing at this point is  
16 setting this matter for an evidentiary hearing. And  
17 in the meantime, I'm going to have to check and find  
18 out whether or not Mr. Bills has the standing to  
19 pursue a complaint, insofar as he is not the  
20 accountholder and we have nothing in writing from  
21 the accountholder authorizing him.

22 And that's pretty much where we stand

1 right now.

2 MR. BILLS: I --

3 JUDGE RILEY: Mr. Bills, I cannot hear you.

4 Your voice -- it's like you're thousand miles away.

5 MR. BILLS: I can hear you fine.

6 JUDGE RILEY: Are you on a cell phone?

7 MR. BILLS: No. I'm on a house phone.

8 JUDGE RILEY: I have no idea what the problem

9 is, but your voice is so faint the court reporter

10 can't pick it up.

11 MR. SPESIA: Judge, do you want to try to hang

12 up and call back in.

13 JUDGE RILEY: That might be what we have to do.

14 Let's just give that a try. Because like I say, the

15 court reporter is not picking up the hearing.

16 Okay. Why don't I disconnect and I'll

17 redial and get back in.

18 MR. SPESIA: Let's disconnect and everyone is

19 going to call back in.

20 JUDGE RILEY: Right.

21 (Short pause.)

22 JUDGE RILEY: I'm back on, gentlemen.

1           MR. SPESIA:   Okay.   Is this better?

2           JUDGE RILEY:   My biggest fear is that the

3 problem is on this end, because I was given the

4 recorded instructions to put in a pass code and the

5 recorded voice started to fade.

6                        So, I don't know if there's anything

7 we can do about that right now.

8           MR. SPESIA:   Can you hear me now, Judge?

9           JUDGE RILEY:   Now, you're coming through loud

10 and clear.

11          JUDGE RILEY:   Mr. Bills?

12          MR. BILLS:    Can you hear me now?

13          JUDGE RILEY:   Yes.

14          MR. BILLS:    Okay.

15          JUDGE RILEY:   Let's do this quick before it

16 fades out again.

17                        What I was going to suggest is that we

18 set this matter for evidentiary.   The initial

19 question that we're going to have to clear up is

20 whether or not Mr. Bills has the standing to bring

21 this complaint insofar as he's not the

22 accountholder.   And insofar as there doesn't appear

1 to be any authorization given by the accountholder  
2 to allow him to do that.

3 MR. BILLS: But, your Honor, if they have on  
4 record, they have on file, on record, that my  
5 daughter has granted -- notified them that I was  
6 handling the account for this problem, it's on the  
7 record there at Aqua. So, the question on now is if  
8 I have the authority to process this account is not  
9 a situation that should be an issue. Because  
10 they -- I have been representing her on this account  
11 for five months.

12 JUDGE RILEY: Mr. Spesia, is there --

13 MR. SPESIA: I think the question is, can he  
14 represent her in this proceeding. The complaint was  
15 filed in his name, in an account that he's not the  
16 accountholder.

17 JUDGE RILEY: And, Mr. Bills, it's my  
18 understanding that you are -- you signed the  
19 complaint, is that correct?

20 MR. BILLS: Yes.

21 JUDGE RILEY: Well, now we have a threshold  
22 question.

1                   Mr. Spesia, what would Aqua's position  
2 be if Mr. Bills thinks that he has provided some  
3 written authorization to the Respondent?

4           MR. SPESIA: Yeah, there's no written  
5 authorization. And I think he's not saying there's  
6 a written authorization. I think he's saying that  
7 verbally something was said at some point in the  
8 past.

9           JUDGE RILEY: So, it's a distinct possibility  
10 then that the offer of settlement was made to the  
11 wrong person, as well.

12                   Now, that's where we're at.  
13 Mr. Bills, we're going to have to have this question  
14 answered before we go any further.

15                   But in the meantime, I do want to set  
16 it for a date specific.

17                   And you say that your daughter is now  
18 a resident of Georgia?

19           MR. BILLS: Yes.

20                   You know, your Honor, I have this  
21 property for sale. I've got a contract on this  
22 property. I need to expedite this. This is what I

1 explained to you when I was in your office. I can't  
2 get this thing processed. I can't sell this  
3 property knowing that there's an outstanding problem  
4 with this property. And I just tried to explain  
5 that to you and that's when you gave me okay that  
6 they were going to process something within the next  
7 14 days they were going to talk to me. They talked  
8 to me on Friday. They didn't mention that they were  
9 from the attorney's office. I have not spoken to  
10 this attorney at all.

11                   So, the request that you gave them to  
12 contact me, they haven't done anything on it. So,  
13 I'm fighting with an issue that I got property that  
14 I'm trying to sell and I've been held up by somebody  
15 that now we're on a different issue.

16                   I don't think that's fair to me.

17       JUDGE RILEY: Well, Mr. Bills, are you saying  
18 that they did not make an offer to you?

19       MR. BILLS: They made an offer to me like  
20 20 minutes ago.

21       JUDGE RILEY: And that was right before we  
22 convened here.

1           MR. BILLS:   Yes.

2                       I talked to her five minutes -- I hung  
3 up.   It was five minutes after 11:00 when I just  
4 talked to the lady there and we had talked -- she  
5 called me like 10:00 something, 10:15, 10:30 and we  
6 was talking about the issue with the water bill,  
7 trying to get -- the only thing we got is what they  
8 offered me.   The only thing it is, I'm just trying  
9 to figure out, if there was nobody on the property  
10 and there was no leakage in the property, how can I  
11 have a water bill at this amount of money and there  
12 was nothing going on.

13                    I just had FHA inspect the property,  
14 there's no leakage, there's nothing wrong with the  
15 property, there's nothing wrong with the plumbing,  
16 but I get bill for 500 some dollars, and it don't  
17 make sense.

18           JUDGE RILEY:   Mr. Spesia, does the company have  
19 any king of response as to why the bills were that  
20 high?

21           MR. SPESIA:   Yes, the response is that we think  
22 Mr. Bills is mistaken in his timeline.   He said that

1 there was a realtor on site, at some point had left  
2 water running and that certainly can cause this kind  
3 of consumption. It can cause three gallons in a  
4 minute, three to five gallons in a minute just the  
5 faucet running. And we just think his timeline is  
6 wrong and that's what resulted in the usage.

7 Because he said five days initially, but we think it  
8 must have gone beyond five days.

9 MR. BILLS: No, no. I have the bills -- I have  
10 the bills in front of me. And what I told them --  
11 the one bill he just got through talking about was  
12 the -- the appraiser come in and left the water  
13 running. That bill -- I just kind of accepted that  
14 issue of a possibility.

15 The last bill I'm looking at for  
16 almost the same usage, there was no activities in  
17 the property at all. I get almost identical usage  
18 and nobody was there. That's my concern.

19 MR. SPESIA: The question is, Judge, will he pay  
20 the bill he says he's responsible for? It looks to  
21 me like it's in excess of \$500 with the water and  
22 sewage charge for that bill.



1       MR. BILLS:  I told that to the girl this  
2 morning.

3                   That problem I can get resolved.  That  
4 issue -- that was never an issue.  We're going to  
5 take care of that problem in the beginning.  But  
6 when I get another bill for almost identical amount  
7 of money and nobody was there, that raise a red flag  
8 to me.

9       JUDGE RILEY:  So, Mr. Bills, what --

10      MR. BILLS:  Something is wrong someplace else.

11      JUDGE RILEY:  -- what you're contesting is the  
12 second bill for in excess of --

13      MR. BILLS:  The second bill, right.  Yes.

14      JUDGE RILEY:  Well, gentlemen, it seems to me  
15 that we're at an impasse.  And as I said --

16      MR. SPESIA:  Judge, is there a way that I can  
17 consult with my client?  I don't know how we can do  
18 this.

19      JUDGE RILEY:  I can certainly step out of the  
20 way.  You want to conduct with your client in  
21 private, is what you're saying.

22      MR. SPESIA:  Well, yeah, if you don't mind

1 stepping out. I want to ask a question if he agrees  
2 to pay the first bill -- the water and sewer charges  
3 for the first bill, I guess my question to the  
4 client is, to resolve the matter, will they waive  
5 the second bill.

6 JUDGE RILEY: Okay. Let me step out of the --  
7 do you want to go off the record and discuss that?

8 MR. SPESIA: Yeah.

9 JUDGE RILEY: Okay. I'll get out of the room.  
10 We're off the record.

11 (Whereupon, a discussion  
12 was had off the record.)

13 JUDGE RILEY: Back on.

14 What can the parties advise.

15 MR. SPESIA: Judge, Chris, Spesia, so we have an  
16 agreed upon resolution.

17 Mr. Bills is going to pay the amount  
18 of \$570.19 and the remaining charges on the account  
19 are going to be waived by Aqua. And he is also  
20 going to have his daughter e-mail a representative  
21 from Aqua just indicating that he's got authority to  
22 negotiate on the account and then I will send a

1 dismissal order out to him, an agreed dismissal  
2 order.

3 JUDGE RILEY: Okay. I want to be -- I'd feel a  
4 lot better if the settlement document was also  
5 circulated to the daughter for her signature.

6 MR. SPESIA: Okay.

7 JUDGE RILEY: And, Mr. Bills --

8 MR. SPESIA: If we can get her e-mail, we can  
9 get that circulated also.

10 JUDGE RILEY: Okay.

11 And, Mr. Bills, is what Mr. Spesia has  
12 stated, is that your clear understanding?

13 MR. BILLS: Yes.

14 JUDGE RILEY: All right. And, again, with  
15 regard to the settlement document itself, if you can  
16 get your daughter's e-mail to Aqua -- to counsel for  
17 Aqua, then they can get the documents down to her,  
18 for her signature.

19 MR. BILLS: Okay. I can do that.

20 JUDGE RILEY: So, both of your signatures would  
21 appear, but I think that's the safest way. Because  
22 we're going to have to have the actual

1    accountholder's signature on the document.

2           MR. BILLS:   That's fine.

3           JUDGE RILEY:   Okay.   Then, what I'll do is, I'll

4   probably continue this for 45 days.   There will be

5   no need for us to reconvene, but it will just build

6   in the time we need to get all the necessary

7   signatures.

8                        Is that okay?

9           MR. BILLS:   That's fine.

10          JUDGE RILEY:   All right.   I will not have a

11   notice sent, as a matter of fact.   I'll just wait

12   for the documents to get filed.

13          MR. SPESIA:   Okay.

14          MR. BILLS:   Thank you, Judge.

15          JUDGE RILEY:   Gentlemen, thank you very much.

16          MR. BILLS:   Thank you, Judge.

17                               (Whereupon, the matter

18                               was continued sine die.)

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